

MANATEE COUNTY ZONING ORDINANCE
PDMU-92-01(Z)(G)(R7)- SCHROEDER-MANATEE, INC.
(AKA UNIVERSITY LAKES OF MANATEE, INC.)

AN ORDINANCE OF THE COUNTY OF MANATEE, FLORIDA, APPROVING A REVISED ZONING ORDINANCE INVOLVING A LAND USE EXCHANGE THAT WOULD DECREASE THE NUMBER OF SINGLE FAMILY ATTACHED UNITS AND INCREASE THE NUMBER OF SINGLE FAMILY DETACHED UNITS, DECREASE THE AMOUNT OF RETAIL AND INDUSTRIAL SQUARE FOOTAGE AND INCREASE THE AMOUNT OF OFFICE SQUARE FOOTAGE; AMENDING THE GENERAL DEVELOPMENT PLAN TO REFLECT THESE CHANGES, UPDATING TABLES C AND D AND CORRECTING MINOR ERRORS TO THESE TABLES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

FILED FOR RECORD
F. H. STUBBS
CLERK
NOV 1 10 35 AM '01

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA:

Section 1. FINDINGS OF FACT. The Board of County Commissioners of Manatee County, after considering the testimony, evidence, documentation, application for amendment of the Zoning Ordinance, the recommendation and findings of the Planning Commission, and all other matters presented to the Board at the public hearing hereinafter referenced, hereby makes the following findings of fact:

- A. The Board of County Commissioners received and considered the report of the Manatee County Planning Commission concerning the application for approval of a revised General Development Plan and revised zoning ordinance approving a land use exchange to decrease the number of single-family attached units and increase the number of single-family detached units, decrease the amount of retail and industrial square footage, and increase the amount of office square footage, amend the General Development Plan to reflect these changes; update Tables C and D, and correct minor errors to these tables.
- B. The Board of County Commissioners held a public hearing on October 23, 2001 regarding the proposed revised General Development Plan described herein in accordance with the requirements of Manatee County Ordinance No. 90-01, (the Manatee County Land Development Code), and further considered the information received at the public hearing.
- C. The proposed revised General Development Plan regarding the property described in Section 4 herein is found to be consistent with the requirements of Manatee County Ordinance No. 89-01, as amended, (the 2020 Manatee County Comprehensive Plan).
- D. The University Lakes Zoning Ordinance was originally approved on June 1, 1992 and amended on October 28, 1993. The approved project consisted of a mixture of land uses, including residential, commercial, business (industrial and offices), and recreation on 2,352.7 acres. On January 25, 1996, the Zoning Ordinance was amended to add 69.8 acres without increasing development totals. On October 22, 1997, the Zoning Ordinance was amended to extend the buildout and expiration dates, modify the site plan, employ the

land use tradeoff, and make other various changes. On December 11, 1997, the Zoning Ordinance was amended to allow a hospital use in Phase II. On October 27, 1998, the Zoning Ordinance was amended to allow a land use exchange to increase the amount of single family residential and office uses in Phase I and decrease the amount of multifamily and industrial uses in Phase I. On February 22, 2000, the Zoning Ordinance was amended to change in the location of the Town Center, amend Table D to reflect an omission from the previous amendment, amend the mix of uses allowed within the Town Center, delete some acreage to add to the Cypress Banks DRI for residential development, add specific information to the notes on the General Development Plan regarding uses and setbacks for the Town Center, relocate an access point to University Parkway, and move the location of some Regional Commercial and Business parcels.

- E. Proposed changes to this Zoning Ordinance and General Development Plan include a decrease the number of single-family attached units, an increase the number of single-family detached units, a decrease the amount of retail and industrial square footage, an increase the amount of office square footage, amending Tables C and D to reflect these changes and correct a previous error. No other substantive changes are intended by this amendment.

Section 2. DEFINITIONS

Note: An asterisk (*) denotes that the word is defined.

- A. "380 Review Agreement*" shall mean the Agreement executed between DCA, TBRPC, the Southwest Florida Regional Planning Council ("SWFRPC"), and Schroeder-Manatee, Inc. dated September 6, 1991 which governs the review of the University Lakes and University Place DRI's. A copy of the 380 Review Agreement* is attached as Attachment #2 to the Development Order.
- B. "Application for Development Approval*" (or ADA*) shall mean University Lakes, Inc. Development of Regional Impact Application for Development Approval (May 31, 1991), the Sufficiency Response submitted by the Developer* on October 25, 1991, and Appendix E Cumulative Affordable Housing Analysis, the NOPC submitted on July 10, 1995, the second NOPC submitted on March 26, 1997 and amended on July 17, 1997, the NOPC submitted on August 28, 1997, and the NOPC submitted on December 31, 1998 .
- C. "Best Management Practices*" (BMP) shall mean the practices which are technologically and economically feasible in abating pollution generated by point and non-point sources, to a level compatible with water quality and quantity objectives of the Land Development Code (BMP list of approved practices by Board resolution for Special Overlay Districts-Evers Reservoir and Lake Manatee Watershed Areas).
- D. "Cluster Villas*" shall mean a dwelling which is joined to another such unit in groups of at least two (2) or no more than nine (9) units by a common party wall, floor and ceiling, or connecting permanent structure such as breezeway, carport, or garage, where the dwellings are located on adjoining lots, such as townhouses, or on commonly owned lots.
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- E. "Combined Projects*" shall refer to both University Lakes and the neighboring project, University Place.
 - F. "County*" shall mean the Board of County Commissioners for Manatee County, or their designee(s).
 - G. "Development Plans*" shall mean any ~~p~~Preliminary ~~s~~ Site ~~p~~Plan issued by Manatee County or a site and development plan issued by Sarasota County.
 - H. "Developer*" shall mean University Lakes of Manatee, Inc., their heirs, assigns, designees, and successors in interest as to the Project* and all its conditions of approval.
 - I. "Development Approval*" shall mean any approval for development granted through the Preliminary Site Plan, Preliminary Plat, Final Plat, and Final Site Plan process or Construction Drawing approval where site plans or subdivision plats are not required.
 - J. "District*" shall mean any unit of local special purpose government formed pursuant to Chapter 190, F.S., or any similar entity such as a Municipal Service Taxing Unit or Municipal Service Benefit Unit, from time to time created or previously existing, which acts in accordance with applicable law and regulations, to finance or fund: (i) the cost of such actions as the planning, acquiring, constructing, equipping, installing, operating, and maintaining various community facilities; (ii) the cost of providing certain community services; (iii) contributions of funds to other governmental and non-governmental entities with respect to such facilities, services, or related Development Order commitments and conditions; and (iv) satisfaction of any of the commitments and conditions contained in this Development Order related to the foregoing. It is declarative of the intent of this Development Order that any commitment or condition of this Development Order may be directly performed or satisfied by any District* which properly operates within its scope of authority. Such performance or satisfaction of shall not be deemed or construed to constitute the discharge of any obligation of the Developer*.
 - K. "Dwelling, Single-Family Semi-Detached" shall mean a one (1) family dwelling which is joined to no more than one (1) other such unit by a common party, wall, a common floor/ceiling or connecting permanent structure such as breezeways, carports, garages, screening fences, or walls, where such two (2) dwelling units are also located on adjoining individual lots such as duplex dwellings which have been divided into two (2) dwelling units on separate lots.
 - L. "SRPP*" shall mean the TBRPC's Future of the Region, A Comprehensive Regional Policy Plan for the Tampa Bay Region, adopted June 23, 1987 and amended in 1989.
 - M. "Funding Commitments*" shall mean to assure the completion of any improvement required by this Development Order, or any combination of the following: 1) binding commitments for the actual construction with the posting of a cash bond, or irrevocable letter of credit in a form satisfactory to the County* for construction to be completed when the improvement is required as referenced in Tables A and B of this Development Order; 2) actual construction; 3) the placement of the improvements in the first year of the Capital Improvements Element of the appropriate County or the current year plus the first two years of the Adopted Five-Year Work Program of the Florida Department of Transportation; or 4) a commitment for construction and completion of the required roadway improvements,
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pursuant to a Developer Agreement which, if approved by the parties, shall be incorporated in this Development Order through an amendment of the Development Order, pursuant to the Notice Of Proposed Change provisions of Chapter 380 of the Florida Statutes. Said Agreement shall include a construction timetable which will set forth the completion of the required improvements consistent with the time frames specified in Tables A and B.

- N. "Post-Development Wetlands*" shall mean any lands determined to be within jurisdictional limits defined by Chapter 62-301, Florida Administrative Code (F.A.C.) and implemented by the Florida Department of Environmental Protection (FDEP), or as defined within Chapter 40D-4, F.A.C., and implemented by the Southwest Florida Water Management District (SWFWMD), including any wetland mitigation areas approved as part of development for this Project*.
- O. "Project*" shall mean the land uses, phasing, and improvements described in the ADA* which are attributable to development on that property described in Section 4 herein and set forth on Revised Map H attached hereto as Attachment #3.
- P. "Residential Resort Units*" shall mean residential dwelling units which are leased for less than 28 consecutive days.
- Q. "Transportation Impact Area*" shall be defined as the roadway segments and intersections receiving transportation impacts where the traffic generated by the proposed phase or subphase shown on a proposed Preliminary Site Plan in combination with prior approvals of the Combined Projects* will be five percent (5%) (or whatever greater percentage may be employed from time to time by DCA, TBRPC, or the County*, provided the more restrictive percentage shall be used) or more of the applicable Peak Hour Level of Service volumes. This area is generally depicted on Map J, dated February 22, 2000 (attached hereto as Attachment #4) which was based on data submitted with the ADA*. In determining the Transportation Impact Area* for this Project* all traffic generated by University Place shall be deemed project traffic for University Lakes.
- R. "Vertical Development*" shall mean and shall be deemed to include the construction of new residential units and non-residential units or the reconstruction or addition to any such units.

Section 3. STIPULATIONS

The revised General Development Plan, dated September 7, 2001, entitled UNIVERSITY LAKES, is hereby APPROVED to allow a land use exchange that would decrease the number of single-family attached units and increase the number of single-family detached units, decrease the amount of retail and industrial square footage, and increase the amount of office square footage, update Tables C and D, and correct minor errors to these tables subject to the following conditions:

Transportation

- A.(1) The cumulative Phase I University Lakes/University Place transportation analysis conducted under the 380 Review Agreement* determined the need for the roadway segment and intersection improvements described in Tables A and B below.
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**Table A
Phases 1&2 Required Link Improvements**

Roadway Segment Improvement Number	Road Segment Name (From and to)	Total Traffic Peak Hour LOS Prior to Improvement	Applicable Peak Hour Level of Service	Development Traffic as a % of LOS Peak Hour Capacity	Required Improvement to Restore LOS	Total PM Peak Hour External Trips for Combined Projects before Need*
1	University Parkway I-75 to Town Center Pkwy	F (in EB) F (in WB)	D D	119.5 198.5	Widen to 6 lanes	4529
2	University Pkwy Town Center Pkwy to Lakewood Ranch Blvd	E (in EB) F (in WB)	D D	81.9 134.3	Widen to 6 lanes	4667
3	I-75 SR 70 to University Parkway	D (in NB) C (in SB)	C C	27.4 18.7	Widen to 8 lanes	7550

This column represents the cumulative number of peak hour external trips for the Combined Projects before the need of the identified improvements for Phases I and II Land Uses as depicted in Tables 2 and 4 for University Lakes and Phase I of University Place (or the equivalent thereof in trip generation) which may be constructed prior to requiring that the listed improvements be constructed or subject to a funding commitment.

**Table B
Required Intersection Improvements**

Required Improvement Number	Improvement Name and Location	Total Traffic Peak Hour LOS Prior to Improvement	Applicable Peak Hour Level of Service	Development Traffic as a % of LOS Peak Hour Capacity	Required Improvement To Restore LOS	Total PM Peak Hour External Trips for Combined Projects Before Need*
1	SR 70 at Lakewood Ranch Blvd.	D	C	28.6	Construct left-turn lane NB to a distance of 625' and right- turn lane SB to a distance of 300'	6668

Table B Required Intersection Improvements						
2	University Parkway at I-75 West	F	D	71.4	Construct 3 rd and 4 th thru lanes EB. 4 th thru lane EB should be constructed to a distance of approximately 600' west of the stop bar at this intersection. Construct 2 nd left-turn lane and 3 rd thru lane WB. Both left-turn lanes should be extended to a distance of 800' each. 3 rd thru lanes EB & WB are part of the required 6 laning of University Parkway. Construct 2 nd left-turn lane SB and extend both left-turn lanes to a distance of 725' each. Final design to be approved by FDOT.	3633
3	University Parkway at I-75 East	F	D	61.0	Construct 2 nd left-turn lane and 3 rd thru lane EB. Both left-turn lanes should be extended to a distance of 600' each. Construct 3 rd & 4 th thru lanes WB. 4 th thru lane should be constructed to a distance of approximately 600' east of the stop bar at this intersection. 3 rd thru lanes EB & WB are part of the required 6 laning of University Parkway. Extend dual left-turn lanes NB to a distance of 950' each. Final design to be approved by FDOT.	2585
4	University Parkway at Lake Osprey Drive/ Market Street	F	D	105.0	Construct 3 rd thru lane EB & WB (part of the required 6-laning of University Parkway). Construct one right-turn lane WB to a distance of 235'. Extend left-turn lanes EB to 585' each and right-turn lane EB to 285'. Construct 2 nd left-turn lane and one right-turn lane NB. Construct one right-turn lane SB and provide a for a five-section head for right-turn movement SB.	4,529
5	University Parkway at Town Center Parkway	F	D	97.9	Construct 3 rd thru lane EB & WB. (Part of the required 6-laning of University Parkway). Extend left-turn lanes EB to 685' each and right-turn lane WB to 335'. Provide a five-section head for right-turn movement SB.	5,495

Table B Required Intersection Improvements						
6	University Parkway at Lakewood Ranch Blvd.	F	D	91.7	Construct 3 rd thru lane EB & WB. (Part of the required 6-laning of University Parkway-6 lane section should continue approx. 600' east of the stop bar at this intersection). Extend both left-turn lanes EB to a distance of 785' each. Construct one right-turn lane WB to a distance of 410'. Extend right-turn lane EB to 910' and left-turn lane WB to 385'. Extend left turn lane SB to 225'. Construct 2 nd right-turn lanes to a distance of 650' each. Provide for a five-section head for right-turn movement SB.	4,667

This column represents the cumulative number of peak hour external trips for the Combined Projects before the need of the identified improvements for Phases I and II. Land uses as depicted in Tables 2 and 4 for University Lakes and Phase I of University Place (or the equivalent thereof in trip generation) which may be constructed prior to requiring that the listed improvements be constructed or subject to a funding commitment.

A.(2) The improvements listed in Tables A & B include critical link and intersection improvements for the development of Phase I of the Project*.

In the event that Funding Commitments* for transportation improvements are only adequate to permit approval of a portion (subphase) of the Development, the capacity and loading of transportation facilities in the Transportation Impact Area*, shall be limiting factors in any subsequent approvals. A subphase analysis has been performed, and cumulative subphases for the Combined Projects* have been identified in Tables A & B together with subphase time frames that were used in the subphase study. An initial subphase of 2,585 external p.m. peak hour trips for the Combined Projects* has been identified as requiring no additional transportation improvements. The Developer* shall, at the time of each application for Final Site Plan approval, furnish to the County* an accurate, up to date report of the amount of development, defined in terms of external p.m. peak hour trips, which has previously been permitted in the Combined Projects*. The Developer* shall not be entitled to a Final Site Plan approval which would result in the cumulative number of external p.m. peak hour trips for the Combined Projects* to exceed the applicable subphase threshold unless Funding Commitments* have been obtained for improvements required for such subphase.

In the event that the total external p.m. peak hour trips projected to be generated by the Combined Projects* has exceeded the levels described in Tables A & B by the expiration of the Annual Report Years listed in Tables A & B for the appropriate uncommitted improvement, no further Final Site Plan approvals shall be granted unless the Developer* using the notice of change procedure has prepared an analysis which identifies the revised dates by which said improvement would be required under the new subphase analysis. The Development Order shall be amended to reflect these revised trip levels and dates.

The Developer* shall be bound by the subphase external trip thresholds and schedules set forth in Tables A & B, unless the Developer* files a Notice of Proposed Change and

provides the County*, pursuant to the notice of change procedures, an updated subphase traffic analysis for the Transportation Impact Area* that will result from the completion of construction of all of the previously permitted development in the Combined Projects* plus that to be generated by the next subphase for which the Developer* is seeking approval, and such proposed change is approved. Copies of such Notice Of Proposed Change for revised subphase transportation analysis shall be submitted to Manatee County, Sarasota County, TBRPC, and SWFRPC for review and comment. Each updated traffic analysis shall serve to verify the findings of the DRI traffic analysis (referenced in Tables A & B) or shall indicate alternate transportation improvements or mechanisms which, when implemented, will maintain the roadways and intersections referenced in Table A & B at the appropriate Level of Service. In the event that the new analysis demonstrates the need for alternate improvements or different subphase thresholds, the Development Order may be amended to reflect the revised subphases or improvements. With each Preliminary Site Plan application, the Developer* shall submit to the County* a limited traffic study which shows the following:

1. External P.M. peak hour trips for the submitted subphase, plus all previously approved subphases, to demonstrate whether any improvements in Table A & B will be required; and,
2. An assessment of the estimated traffic operations and turning movements together with the conceptual design of the driveways, serving the project covered by the Preliminary Site Plan application.

Any revised transportation analysis for the Combined Projects* shall utilize the adopted Sarasota County Level of Service, or that of any agency with jurisdiction, whichever Level of Service is higher, for determining deficiencies on all roads in Sarasota County. If deficiencies exist on said roadways, then Funding Commitments* to correct such deficiencies shall be required in accordance with this Paragraph A.(2).

Developer* agrees to construct the improvements identified in Number 3 of Table 6 on or before July 1, 2001, which satisfies any requirement that required improvements be constructed concurrently with the impacts of Phase II development as to such improvements, unless such improvement(s) are programmed for construction in the current year plus first two years of the FDOT District One Adopted Work Program, in which event the responsible party for such improvement(s) shall be the FDOT. This commitment by the Developer* shall satisfy the requirement that the construction of such improvements be pursuant to a Funding Commitment. Developer* shall receive impact fee credits pursuant to the Manatee County Land Development Code regulations for such construction, if such construction is paid for by the Developer*.

- A.(3) Until such time as agreement is reached regarding impacts of the Combined Projects* to I-75 and associated interchange intersections, and the Development Order is amended if and as needed pursuant to NOPC procedures, the Developer* shall conduct an I-75 Monitoring Program described below.

The FDOT shall by June 30, 2000 obtain Year 2000 peak season daily, a.m., and p.m. peak hour traffic data for the I-75 mainline and interchange ramps from SR 70 to Bee Ridge Road including turning movement counts at the interchange ramp intersections with the respective

cross streets. The data shall be analyzed and provided to the Developer*, Manatee County, and Sarasota County.

At such time as the total external a.m. or p.m. peak hour trips from the Combined Projects* of University Lakes and University Place exceeds 3,200 trips, projected to occur based upon Development Plans*, the Developer* shall institute an annual monitoring program (the "I-75 Monitoring Program") to determine the actual level of service conditions for the I-75 mainline from SR 70 to Bee Ridge Road and the ramp interchanges at the respective cross streets. The results of this I-75 Monitoring Program will be submitted no later than the date of the Annual Report for University Lakes and shall each year be submitted to FDOT and Manatee County for review and approval and to Sarasota County for review and comment.

The detailed methodology for the monitoring, data collection, and analysis must be submitted to, and approved in writing by, FDOT and Manatee County and submitted to Sarasota County for review and comment. No Development Plans* beyond the 3,200 peak hour trip threshold of the preceding paragraph shall be issued until the I-75 Monitoring Program and methodology has been approved.

For any location that is operating below the adopted level of service standard, the procedure as defined in the approved I-75 Monitoring Program methodology will be followed to determine if the Combined Projects* have an impact of five percent or greater of the adopted level of service standard at such location. If such impact is identified, and the identified location is operating below the adopted level of service standard, no further Development Plans* will be issued until the deficiency has been mitigated and the Development Order is amended as appropriate, if such an amendment is necessary. Mitigation can be accomplished by one of the following: (i) actual construction; (ii) a binding commitment by the Developer for the actual construction with the posting of a cash bond or irrevocable letter of credit in a form satisfactory to the County for the construction to be completed when the improvement is required; (iii) the improvement is programmed for construction in the current year plus the first two years of the FDOT District One Adopted Work Program; (iv) the improvement is in the first two years of the Capital Improvement Element for Manatee or Sarasota County, whichever is appropriate; or (v) other means set forth in Florida Statutes or the Florida Administrative Code as either may be amended from time to time.

Prior to the issuance of Development* Plans for the Combined Projects* which would create peak hour trips in excess of the thresholds identified in Table 6-Required Intersection Improvements, the improvements for the ramp intersections as identified in Table 6, must be mitigated as set forth in the preceding paragraph.

- A.(4) The Developer* shall provide bicycle lanes as part of the roadway design for the collector facilities within the Project*. Inclusion of bicycle lanes as part of the roadway design does not mean the lanes themselves must be part of the roadway. That is, the lanes must be included in design but may be constructed separately or in separation from the roadway itself.
 - A.(5) The Developer* shall provide adequate sidewalks along all streets and roadways throughout the Project* as required by the Manatee County Land Development Code.
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- A.(6) As the Project* lies within the future Manatee County transit service area, the Developer* will work with the County* to coordinate the provision of transit service to the area in conjunction with development of University Lakes.
- A.(7) Within three years of the effective date of the original Development Order or at the request of the County*, an annual monitoring program consisting of peak hour traffic counts at the Project* entrances shall be instituted to verify that the projected number of external trips for the Project* are not exceeded. Counts will continue on an annual basis through Project* buildout, and the information shall be supplied in the required Annual Report. If an Annual Report is not submitted within thirty (30) days of its due date, or if the Annual Report indicates that the total external trips exceed projected counts for the Project* by 15 percent or more, Manatee County shall conduct a Substantial Deviation determination pursuant to Subsection 380.06(19), Florida Statutes. This change will be presumed to be a Substantial Deviation. The results of the Substantial Deviation determination may also serve as a basis for the Developer* or reviewing agencies to request Development Order amendments.
- A.(8) The transportation analysis in the ADA* was performed without consideration of the potential effects of a Transportation Systems Management ("TSM") program. Accordingly, the development thresholds described in Tables A & B may reflect a "worst case" scenario, dependent upon future TSM measures.

The Developer* or its assigns shall prepare and implement a TSM program which will endeavor to divert a number of vehicle trips from the PM peak hour. The TSM program shall be submitted to and be reviewed by the County*, the MPO, and the FDOT.

The TSM program shall be submitted with the first annual report subsequent to the monitoring program in Section A.(6) showing external trips exceeding 25% of the total external trips for Phase I of both University Lakes and University Place.

The TSM program shall include a yearly assessment of the actual achievement of vehicle trips diverted from the peak hour as a result of the TSM measure. Results of the TSM program shall be included in the Annual Report. The results of the TSM program may serve as a basis for the Developer* or reviewing agencies to request Development Order amendments which increase the applicable development thresholds or which will allow reduced impacts per square foot or dwelling unit of development in future phases. The TSM Program shall seek to further the TSM objectives and Policies set forth in the Florida Transportation Plan and shall include, but not be limited to:

- (a) promote ride sharing by public and private sector employees;
 - (b) increase urban area peak hour automobile occupancy rates through expanded ride sharing efforts;
 - (c) increase peak hour occupancy rates for transit and other high occupancy vehicles; and
 - (d) other appropriate trip diversion measures.
- A.(9) To allow for the finalization of interchange design relative to Improvements #3 and #4 in Table 6, Developer* agrees to reserve, until January 28, 1998, the property which it owns and which lies within the following description:
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Commence at the easterly corner of the existing FDOT right of way north of University Parkway where the limited access terminates, thence westerly along the FDOT right of way, a distance of 650 feet to the Point of Beginning. From the Point of Beginning, proceed northwest a distance of 1,500 feet to the existing FDOT right of way, thence southeasterly and easterly to the Point of Beginning.

This restriction shall expire on January 28, 1998. If the right of way is dedicated by the Developer* or otherwise acquired by the appropriate governmental agency, then the Developer* may transfer the impacted land uses to other appropriate areas within the Project* with approval of a revised General Development Plan. **(Completed)**.

- A.(10) The Developer* shall submit a Preliminary Site Plan for Phase I, or any subphase thereof, within twenty-four (24) months of the effective date of this Development Order. **(Completed)** The Developer* shall further meet the requirements of Section 8. of the DRI Development Order.
- A.(11) The schedules of listed improvements may be adjusted at the Developer's* request with submission of adequate data to support any such adjustments, and the Development Order amended as needed in the event that the appropriate agencies determine that:
- (a) The Project* is determined by the County* and TBRPC to be in a regional activity center or otherwise designated for alternative levels of service or alternative percentage thresholds in accordance with applicable rules and regulations; or
 - (b) The appropriate level of service standard for the particular roadway link or intersection is adjusted by the agency(ies) having jurisdiction over such link or intersection. In no event shall any level of service be adjusted if the result of said adjustment is to permit a lower level of service than established by that agency or agencies having jurisdiction at the time of the request for adjustment.
- A.(12) The roadway shown on Revised Map H, which generally is oriented in a north/south alignment and connects to the proposed extension of Lakewood Ranch Boulevard, shall be required to be designated on the Future Traffic Circulation Map as a collector facility prior to providing any credits for right of way and/or construction. **(The requirements of condition A.(12) have been completed)**
- A.(13) Access to and from the site will be in accordance with state and local access regulations unless limited by the General Development Plan or any conditions placed thereon, whichever is most restrictive.

Wetlands

- B.(1) The portions of the University Lakes site that meet the definition of Conservation or Preservation Areas as set forth in policies 10.1.2 and 10.3.1 of the Council's adopted (SRPP*) have been designated on Revised Map H.
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- (a) All wetlands and uplands on-site defined by Council policies as Preservation Areas, as shown on Revised Map H, shall be preserved. No dredging, filling, or development activities shall be allowed within Preservation Areas.
 - (b) All wetlands and uplands on-site defined by Council policies as Conservation Areas shall be protected from development as shown on Revised Map H.
- B.(2) Except for wetland restoration or enhancement and naturally occurring fluctuations, no hydroperiod alteration shall be permitted in Preservation Areas as depicted on Revised Map H. Natural annual hydroperiods, normal pool elevations, and seasonal high water elevations shall be substantially maintained or improved. Hydroperiod monitoring shall be required semi-annually in selected preserved wetlands and initiated prior to on-site construction activity and continued for three years for herbaceous wetlands or five years for forested wetlands following buildout of the subbasin surrounding each wetland monitored. If the hydroperiod monitoring results demonstrate that Project* activities are inappropriately altering the hydroperiod in Preservation Areas, such activities shall cease until remedial measures are implemented.
- B.(3) Any impacted wetlands, not required to be preserved in accordance with Condition B.(1) above and which are depicted as Conservation Areas on Revised Map H, shall be mitigated in accordance with the Manatee County Comprehensive Plan and Land Development Code and the SRPP* Policies.
- B.(4) In addition to meeting the requirements of the Manatee County Land Development Code, the Developer* shall submit a wetland management and mitigation plan for the area to be developed to the County* for approval, and to TBRPC and SWFWMD for review prior to any wetland alteration. This plan shall address, but not be limited to, identification of wetlands on-site, wetlands to be preserved, proposed wetland alterations, a detailed mitigation plan, control of on and off-site water quality, and methods for hydroperiod maintenance with a detailed narrative and construction plans for mitigated or significantly enhanced (as determined by the County*) wetlands.

The Developer* shall include the following details, at a minimum, in the wetland management and mitigation plan prepared for submittal to the County*:

- (a) Identification of existing dry and wet season site conditions;
 - (b) Narrative descriptions/evaluations of all wetlands to be disturbed by wetland type;
 - (c) Photographs and 24"x36" plans depicting conditions of the existing wetland creation site and proposed wetland creation plans. (This data shall demonstrate that the appropriate hydrologic requirements shall be provided);
 - (d) Narrative descriptions of any proposed wetland restoration activities and related issues;
 - (e) Estimated costs of wetland mitigation and restoration schemes including maintenance and monitoring for appropriate time periods; and
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- (f) Mitigation plans shall also include:
 - (1) Area and location of plantings;
 - (2) Species to be planted and spacing;
 - (3) Elevations for plantings;
 - (4) Source of plants or mulch;
 - (5) Source of wetland soil and depth proposed; and
 - (6) Monitoring and maintenance plans.

- B.(5) If allowable wetland losses require type-for-type (herbaceous or forested) wetland replacement in accordance with stipulation B.(3), mitigation for wetland losses shall be implemented prior to, or concurrent with, the wetlands being disturbed. Created wetlands and littoral shelves shall require monitoring and maintenance activities. Percent survival of plant species in the created wetland or littoral shelf shall meet or exceed Manatee County Comprehensive Plan and Land Development Code success criteria and the SRPP Policies. Yearly replanting and maintenance of the mitigation areas shall be required, if necessary, to ensure compliance with the conditions of the Development Order.

- B.(6) The Developer* shall provide buffering around all Post-Development Wetlands* to provide an upland transition into the wetland areas and to protect natural systems from development impact. All such buffers shall be in compliance with the Manatee County Land Development Code.

Vegetation and Wildlife

- C.(1) A cumulative assessment of the impacts of the Combined Projects* on listed plant and animal species has been performed as required by the 380 Review Agreement*. The Developer* has provided open space for wildlife in the form of preserved wetlands and the wildlife corridor along Cooper Creek as depicted on Revised Map H. In addition, Developer* shall retain large pines (>4" dbh) where possible in golf course rough for kestrel habitat and include and maintain open grassy areas in golf course rough for burrowing owl habitat. the specific locations of retained pines and open grassy areas shall be shown on the final development plan containing the golf course and shall be submitted to Manatee County for review and approval and to the Florida Wildlife Conservation Commission (FWCC) for comment. However, as the Developer* is planning a large wildlife management area on University Place, the Developer* has prepared (pursuant to the 380 Review Agreement*) a wildlife management, plan as revised June 16, 1992, for the 395 acre Open Use Conservation District within University Place which provides additional protection of any listed species found on University Lakes and University Place. The plan includes information on site maintenance, fire frequency, wetland management, and boundary protection.
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In the event that University Place is not approved by Sarasota County with the 395 acre Open Use Conservation District within one (1) year of the effective date of this Development Order or if such Open Use Conservation District is reduced in size by more than ten (10) acres, then within one (1) year of either such date or action eliminated, the Developer* shall prepare a wildlife management plan to address the impacts of the Project* on any listed species found on University Lakes, except for the gopher tortoise. The FWCC found that a regionally significant population of gopher tortoise does not exist on University Lakes. However, any taking must comply with FWCC rules and the Developer* must obtain a gopher tortoise incidental take permit from the FWCC. If a management plan is prepared, pursuant to this paragraph, the plan shall be submitted to the FWCC and the Department of Community Affairs for review and to the County* for review and approval.

- C.(2) The Developer* shall provide small wildlife crossings (18" culverts) under roadways at the two locations where the Lakewood Ranch Boulevard and The Masters Avenue intersect with Cooper Creek.
- C.(3) In accordance with applicable law, the Developer* shall coordinate with the Florida Department of Agriculture and Consumer Services and the County* for proper relocation of any listed species found on-site in addition to the requirements of C.(1) above.
- C.(4) Representative tracts of all major natural upland vegetative communities (Live Oak, Pine-Mesic Oak, Pine Flatwoods, Temperate Hardwoods), as depicted on revised Map H, shall be set aside in their natural state to serve as conservation areas.
- C.(5) The removal of naturally-occurring vegetation shall be limited in accordance with the Manatee County Comprehensive Plan. This limitation shall not include the removal of diseased trees or vegetation, or exotic species, or other species approved by the County* consistent with the provisions of the Manatee County Comprehensive Plan.
- C.(6) Areas designated as Preservation Areas on Revised Map H shall be protected in perpetuity by conservation easement or other legal instrument approved by County*.

Land

- D.(1) The Developer* shall initiate the following procedures to ensure erosion control during development of the Project*:
 - (a) Sod, seed, or plant embankment areas of stormwater detention or retention ponds;
 - (b) Sod, seed, mulch, or landscape cleared or disturbed areas as soon as possible after clearing and grading;
 - (c) Limit clearing and site work, construction, and clearing to areas needed for immediate development;
 - (d) Develop asphalt roads as soon as possible;
 - (e) Initiate landscaping before development work is completed on a site;
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- (f) Construct sediment basins at the start of each drainage system phase;
- (g) Utilize straw filter barriers or filter fabric at discharge points including, but not limited to, temporary discharge points;
- (h) Install temporary sediment basins and perimeter dike systems as a first step in the grading process and inspect and clean out the temporary sediment basins on a regular basis; and
- (i) Preserve the existing natural vegetation along Foley Creek and Cooper Creek, as depicted on Revised Map H.

Air Quality

- E.(1) The Developer* shall, subject to applicable water quality standards, institute the following procedures to ensure dust control during development of the Project*:
 - (a) Implement a watering program during excavation and dredge and fill operations;
 - (b) Apply water or chemical stabilization to dirt roads and heavily traveled primary haul route sections as necessary;
 - (c) Treat disturbed areas after clearing, grading, earth moving, or excavation is completed by watering, revegetation, spreading soil binders, or compacting fill material until areas are paved or developed;
 - (d) Keep soil stockpiles moist; or treat with soil binders or cover;
 - (e) Suspend dust producing activities during gusting or constant wind conditions of 39 mph or more;
 - (f) Remove dust producing materials as soon as possible.
 - (g) Maintain 15 mph or less vehicle and equipment speeds on temporary roads;
 - (h) Sod, seed, mulch, or landscape cleared or disturbed areas, including embankment areas, of stormwater detention or retention ponds as soon as possible after clearing and grading;
 - (i) Limit site work and construction to areas needed for immediate development;
 - (j) Develop asphalt roads as soon as possible;
 - (k) Initiate landscaping before development work is completed on-site; and
 - (l) Utilize water spray trucks to control dust generation in heavy construction areas.
 - E.(2) Further Section 380.06(6), Florida Statutes, review will be required for air quality impacts, of Phases III, and IV. This Development Order* must be amended prior to granting
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specific approval to Phases III, and IV to address any air quality impacts and to specify any necessary mitigation prior to the commencement of said Phases. This review shall be a cumulative assessment of the Combined Projects*.

Water Quality and Drainage

- F.(1) Prior to any site alteration associated with the Project*, the Master Drainage Plan* for the Project* shall be submitted to DER, SWFWMD, and EMD for review and to the County* for approval. (The requirements of Condition F.(1) have been completed)

The stormwater management system shall be designed, constructed, and maintained to meet or exceed the requirements of Chapter 62-25 and 40D-4, F.A.C. The stormwater management system shall be designed to comply with the provisions relating to the Evers Reservoir Watershed Protection Overlay District by providing treatment at 150% of the criteria found in Chapter 62-25 and 40D-4, F.A.C. An acceptable method for meeting such standards for the treatment of stormwater runoff for the majority of the site will be wet detention with effluent filtration utilizing the double underdrain system described in Exhibit 19-2 of the ADA.

- F.(2) Best Management Practices* (BMP) for reducing water quality impacts, as recommended by the County* and SWFWMD in accordance with adopted regulations of these agencies, shall be implemented and may include a street cleaning program for parking and roadway areas within the Project*.
- F.(3) The Developer* shall be the entity responsible for maintaining the stormwater management system. The Developer's* maintenance and inspection schedule for ensuring proper water quality treatment shall be submitted to the County* for approval, prior to site alteration activities associated with the Project*.
- F.(4) Stormwater discharge shall not cause the receiving water body to violate the limits defined in the Class appropriate to that water body. Where background conditions in the water body in question do not meet the applicable standards due to natural causes outside the control of the Developer*, site specific, alternative criteria may be established in conjunction with the County*.
- F.(5) Prior to any site alteration activities associated with the Project*, the Developer* shall implement a surface water quality and quantity monitoring program approved by the County*. **(Completed)** This program shall also be submitted to the City of Bradenton for review and comment prior to approval. The plan shall include provisions for the characterization of pre-construction, baseline water quality and quantity conditions of surface water entering and leaving the site. The surface water monitoring program shall also provide the monitoring of surface water quality during periods of construction. In addition, the surface water monitoring program shall include an ongoing plan for monitoring of post-construction surface water quality. The surface water quality monitoring program required pursuant to this condition shall include an identification of the locations, frequency, duration of sampling, parameters to be monitored, collection and analytical methods, and reporting requirements. All water quality sample collections and laboratory analyses shall be made in accordance with USEPA/FDEP approved methodology. The laboratory performing the analyses shall be certified by the FDHRS
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and shall have an approved comprehensive quality assurance plan on file with the FDEP. Any violation of federal, state, or local water quality standards shall require corrective measures as required by that authority.

- F.(6) Prior to any site alteration activities associated with the Project*, the Developer* shall implement a groundwater monitoring program approved by the County* and EMD. This program shall also be submitted to the City of Bradenton for review and comment prior to approval. The plan shall include appropriate provisions for the characterization of the pre-development baseline water quality and water level conditions of the site's groundwater. The groundwater monitoring program required pursuant to this condition shall include an identification of well locations, sampling frequency, and sampling duration, as well as parameters to be monitored and applicable collection and analytical methods. (Completed)

Upon completion of the pre-development groundwater program, a report of results will be submitted to the County* for review and approval. In addition to the official laboratory results, the report shall include recommendations regarding monitoring during construction and post-construction. Any proposed construction and post-construction monitoring plans developed pursuant to this condition shall be submitted to the County* for review and approval.

- F.(7) In the event that an overall watershed monitoring and reporting program is implemented and satisfies the intent of conditions F.(5) and F.(6), these programs may be discontinued upon the recommendation and approval of such by the County*. The City of Bradenton shall be notified prior to the approval of the discontinuance of this program.
- F.(8) To the extent required by applicable law, any shoreline banks created along on-site stormwater detention lakes shall include littoral zones constructed on slopes no steeper than a 4:1 horizontal to vertical ratio and shall be planted in, or allowed to be colonized by, diverse native emergent and submergent vegetation. The Developer* shall ensure, by supplemental replanting, if necessary, at least eighty-five percent (85%) coverage by native aquatic vegetation is established within the littoral zone (to include at a minimum the area between ordinary high water and ordinary low water) in accordance with applicable regulations.
- F.(9) The Developer* shall conduct annual inspections of the environmental swale systems on the Project* site to ensure the swales are being properly maintained in keeping with their design and are capable of accomplishing the level of stormwater storage/treatment for which they were designed and intended. Verification of such inspection shall be supplied in each Annual Report.
- F.(10) Prior to any site alteration, the Developer* shall develop and submit for approval by the County* an Integrated Pesticide/Herbicide Management Plan (IPMP) and a Hazardous Materials Management Plan (HMMP). (Completed)

Historical and Archaeological Sites

- G.(1) The discovery of any historical or archaeological resources during development activities of the University Lakes Project* shall be immediately reported to the Florida Division of
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Historical Resources (FDHR). If the significance of an archaeological or historical site, discovered during development, is unknown and the site is to be impacted by Project* activities, additional testing shall be required at the site to determine significance. Disposition of such resources shall be determined in cooperation with the FDHR, TBRPC, and Manatee County. Treatment of the resources shall be completed before resource-disturbing activities are allowed to continue.

Water

- H.(1) The Developer* shall participate, as required by Manatee County ordinances and consistent with any Developer Agreements, in any necessary expansion of potable water service to each phase or subphase of the Project* to assure that adequate potable water capacity exists to accommodate the Project*.
 - H.(2) The Developer* shall be responsible for maintenance and operation of any on-site wells. These wells shall be operated in accordance with the SWFWMD rules and regulations. Any existing on-site wells not intended for potable or non-potable uses shall be plugged and abandoned in accordance with Rule 40D-3.041(1), Florida Administrative Code.
 - H.(3) The Developer* shall require the installation of high efficiency (low volume) plumbing fixtures, appliances, and other water conserving devices, if mandated by the Florida Water Conservation Act (Section 553.14, Florida Statutes). This will include the use of toilets requiring no more than 1.6 gallons per flush in all areas, and installation of self-closing or metered water faucets shall be required in all public and commercial restroom facilities.
 - H.(4) The Developer* shall maintain all water lines and fire hydrants not dedicated to the County*.
 - H.(5) The Developer* shall, to the extent non-potable water is available, use only non-potable water to meet non-potable water demands. For purposes of this Approval, "non-potable" water is defined as water emanating from any source other than a public water utility. The Developer* shall submit an acceptable plan to the County* and the TBRPC for the use of non-potable water on-site. The plan shall be completed prior to Final Site Plan approval for any phase or subphase and shall include an implementation timetable, as well as a determination of the availability and feasibility of using reclaimed wastewater or stormwater retention ponds for irrigation purposes, to the extent permitted by law. **(The last two sentences of Condition H.(5) has been completed)**
 - H.(6) Adequate fire flow and water pressure shall be maintained within the Project's* water supply system.
 - H.(7) The Developer* shall conform to and further the applicable rules and adopted guidelines of the SWFWMD in regard to protection of the groundwater resources in the Eastern Tampa Bay Water Use Caution Area (WUCA) to the extent then in effect.
 - H.(8) The Developer* shall use the lowest quality water supply which meets the needs of the intended use, provided that such sources are economically feasible, practically available, and legally permissible.
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A plan which investigates the use and feasibility of these alternatives shall be prepared by the Developer* and submitted with the first Annual Report to TBRPC, SWFWMD, the County* for review and further action if warranted. **(Completed)**

- H.(9) For the purpose of potable and/or reclaimed water conservation, utilization of xeriscape principles are required in landscaped areas. Ecologically viable portions of existing native vegetation shall be incorporated into the landscape design to the greatest extent practicable and shall only be irrigated to the minimum extent required to ensure healthy vegetation.

Wastewater

- I.(1) The Developer* shall participate, as required by Manatee County ordinances or Developer Agreements in any necessary expansion of wastewater service to and consistent with any Developer Agreements for each phase or subphase of the Project* to assure that adequate wastewater capacity exists to accommodate the Project*.
- I.(2) No additional permanent septic system shall be permitted within the Project*.
- I.(3) Sewer lift stations shall be designed and equipped in accordance with County* regulations.
- I.(4) The Developer* shall submit to the County*, prior to each Final Site Plan approval, a monitoring plan to identify and correct any leaks or ruptures of the sewer lines which are maintained by the Developer*. This plan must be approved by the County* and should identify the entity responsible for the monitoring and a time schedule for conducting the inspections. Faulty lines shall be replaced as quickly as possible. A report of inspections, results, and repairs must be included in the Annual Report.
- I.(5) The disposal of waste into the sewer system shall comply with the Manatee County Sewer Use Ordinance (Ordinance No. 98-28, as amended).
- I.(6) The Developer* shall implement a wastewater reuse system when feasible, as discussed in development condition H.(8) herein.

Solid Waste

- J.(1) Within one year of the effective date of the Original Development Order, or prior to issuance of subsequent Development Approvals* for any non-residential land use within the Project*, whichever occurs later, the Developer* shall prepare a hazardous substances (including bio-hazardous wastes) and a hazardous waste management plan which shall be reviewed by DEP, TBRPC, approved by the County*, and then distributed by the Developer* to non-residential land users within the Project*.
At a minimum, the plan shall:
- (a) Advise of applicable statutes and regulations regarding hazardous wastes and substances, including Title III (Community Right-to-Know Law) of the Superfund Amendment and Reauthorization Act (SARA Title III) and the requirement to comply with these rules;
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- (b) Provide a list of agencies which can be consulted regarding the types, sources, and volumes of waste and substances that are considered under the applicable statutes and agency rules to be hazardous and which must be stored or disposed of in specially designed containers;
- (c) Provide a list of agencies which can describe generally appropriate disposal methods;
- (d) Provide a list of agencies which can be consulted regarding the proper handling and disposal of hazardous substances and disposal of hazardous wastes;
- (e) Provide a list of agencies which can describe construction requirements for hazardous waste holding areas;
- (f) Describe a program to inform owners and tenants of the information contained in the Plan;
- (g) Provide a list of agencies which can describe typical spill clean up methods; and
- (h) Be updated and distributed to each non-residential land user annually.

(Said Plan has been approved)

- J.(2) All Project* tenants that generate hazardous waste shall be encouraged to utilize waste exchanges to the extent feasible. A report of such use shall be included in each Annual Report.
 - J.(3) The Developer* shall participate, as required by Manatee County ordinances or Developer Agreements in any necessary expansion of solid waste service to each phase or subphase of the Project* to assure that adequate solid waste capacity exists to accommodate the Project*.
 - J.(4) Surface impoundments of hazardous materials and hazardous wastes, land treatment of hazardous materials and hazardous wastes, and landfills for hazardous materials and hazardous wastes are prohibited.
 - J.(5) Individual Tenants shall be required to transport and dispose of hazardous waste in a manner consistent with applicable regulations through restrictive covenants. Individual Tenants shall be encouraged to develop permittable temporary on-site hazardous waste treatment and storage capabilities prior to transport and shall remove hazardous and toxic wastes from the site as soon as is practical. Such transportation of toxic and hazardous materials shall be performed by a company that is accredited by all appropriate agencies in the transportation and handling of such materials.
 - J.(6) All aboveground and underground pollutant storage tanks systems will be installed, monitored and managed according to applicable Federal, State, and Local regulations.
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Recreation and Open Space

- K.(1) The Project* shall contain, at a minimum, 403.4 acres of open space (approximately 350.4 acres of wetlands and an estimated minimum of 26.5 acres of mitigation) in addition to approximately 490.8 acres committed to recreation (a 22.6 acre park, a 16.1 acre tennis/boat club, 291.7 acres of golf course, and a lake of some 160.4 acres).
- Notwithstanding the above, if the County* should decide the 22.6 acres of park is not needed, then the Developer* shall be able to use the applicable parcel for residential development or as a school site, provided the number of dwelling units is not increased.
- K.(2) All recreation and open space areas not deeded to the County* or other state agencies shall be maintained as common open space through deed restrictions or owned by a property owners' association for the Project* or neighborhood within the Project*, as may be appropriate in accordance with the Land Development Code.
- K.(3) Except as described in K.(1) above, all recreation, park, and wetland sites, as shown on Revised Map H of the ADA*, shall not be utilized for other uses inconsistent with their designation on said map. Any proposal to change these uses shall be subject to a Substantial Deviation Determination if required by Subsection 380.06 (19), Florida Statutes.
- K.(4) The Project's* public parks and public recreational facilities shall be accessible to the elderly, the handicapped, and economically disadvantaged and may be subject to a reasonable agreement between the County* and the Developer* limiting the use as a park facility and times of operation.
- K.(5) Regardless of the ownership of the golf course facility(ies) within the project boundaries, the use of those lands for anything other than recreation shall be subject to a Substantial Deviation Determination if required by Subsection 380.06 (19), Florida Statutes.

Education

- L.(1) The Development shall dedicate an elementary school site either adjacent to, or having direct access on, a constructed county-maintained right-of-way and meeting all State and Manatee County new school site requirements upon request by the School Board. The school site shall be deemed to be a part of the Phase I approvals for the Project* and shall be shown on an amendment to the General Development Plan unless dedicated off-site as may be allowed elsewhere in this condition. The dedicated school site shall be a minimum of 18 acres, depending upon the characteristics of the site selected and said site shall be selected from property shown as residential, commercial, or business on Revised Map H, and shall be reflected on a revised General Development Plan unless dedicated off-site as may be allowed elsewhere in this condition. If the Developer* and the County School Board agree, the dedicated school site may be located off-site on property owned by the Applicant*. If adjacent property is provided as a public park or for emergency services, this acreage may be reduced to a total of fifteen acres.
- L.(2) If the County School Board should decide the school is not required or the selected location is inappropriate, the Developer* shall be permitted to exchange sites, to the
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School Board's satisfaction, and shall be permitted to use the originally selected parcel for residential development, provided the number of dwelling units approved for the Project* is not increased. Any such exchanges in school sites shall require an amendment to the General Development Plan. If additional recreational opportunities are required, the County* may require dedication of up to five acres of the designated school site parcel for active recreation.

Health Care, Police, and Fire

- M.(1) The Developer* shall be responsible for contributing a pro-rata share of the cost of land acquisition, construction and equipping of emergency service facilities for emergency medical services. The Developer* may, with the concurrence of the County*, satisfy this obligation in whole or in part by conveyance of land deemed suitable for the intended use by the County* or payment of impact fees, as applicable. An agreement as to pro-rata share, mutually acceptable to the County* and the Developer*, shall be reached prior to December 31, 1997. Any pro-rata lump sum payment shall be creditable against the payment of impact fees, in accordance with applicable law.
 - M.(2) The Developer* shall be responsible for contributing a pro-rata share of the cost of land acquisition, construction, and equipping of fire protection service facilities for fire protection services. The Developer* may, with the concurrence of the County*, satisfy this obligation in whole or in part by conveyance of land deemed suitable for the intended use by the County* or payment of impact fees, as applicable. An agreement as to pro-rata share, mutually acceptable to the County* and the Developer*, shall be reached prior to the approval of the first Final Site Plan or Final Plat for Vertical Development* for Phase I or any subphase thereof. Any pro-rata lump sum payment shall be creditable against the payment of impact fees, in accordance with applicable law. (Completed)
 - M.(3) The Project* shall be designed and constructed to meet or exceed specifications of the applicable Fire Code.
 - M.(4) The height of buildings allowed in the Project* shall not exceed that appropriate for the available water pressure and fire flows, or exceed the reach of available fire fighting equipment at the time of any Preliminary Site Plan approval for any phase or subphase.
 - M.(5) Prior to approval of each Final Site Plan, the Developer* shall provide assurance for each increment of development that the site will be supplied to the extent required by applicable code with water lines of adequate size, and functioning fire hydrants in sufficient number and appropriate locations to accommodate fire fighting operations. Additionally, the Developer* shall provide calculations by a Florida registered engineer to the County* indicating that fire flow and water pressure to the site are adequate for fire protection purposes and written assurance from the Braden River Fire Department that the proposed locations of all fire hydrants and appurtenances are adequate prior to the issuance of any Certificate of Occupancy for the Project* by the County*.
 - M.(6) The Manatee County Sheriff's Office shall provide typical police protection to each phase or subphase of the Project*. The Developer* shall participate, in accordance with applicable County* ordinances or Developer Agreements, in any expansion of such services necessary to serve the Project* or any phase or subphase thereof.
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Economics

- N.(1) Excess infrastructure capacity constructed by the Developer* shall be at the Developer's* risk and shall not vest latter development rights not addressed in this approval.
- N.(2) The Project* shall promote entrepreneurship and small and minority owned business start-up, and encourage nondiscriminatory employment opportunities, pursuant to Policies 21.2, SCP and 21.5.3, SCRPP*, respectively.
- N.(3) The development and promotion of a day care system should be encouraged on site and any such day care system shall be in compliance with the Manatee County Land Development Code and any other applicable regulations.

Energy

- O.(1) Issuance of Development Approvals* for each phase or subphase shall be dependent upon the ability of electrical or gas utilities to meet the energy requirements of the development.
 - O.(2) All Project* tenants, businesses, residents, etc. shall be notified in writing by the Developer* prior to occupancy that the following energy related practices are encouraged:
 - (a) Use energy alternatives, such as solar energy, resource recovery, waste heat recovery, and cogeneration, where economically feasible;
 - (b) Obtain energy audits provided by energy companies or other qualified agencies;
 - (c) Install water heater timers and set water heaters at 130 degrees Fahrenheit or lower;
 - (d) Use landscaping and building orientation to reduce heat gain, where feasible, for all Project* construction;
 - (e) Promote energy conservation by employees, buyers, suppliers, and the public, as appropriate;
 - (f) Reduce levels of operation of all air conditioning, heating, and lighting systems during non-business hours, as appropriate;
 - (g) Institute and utilize recycling programs;
 - (h) Utilize energy efficient packaging or recyclable materials;
 - (i) Install total energy systems on large facilities when cost effective; and
 - (j) Elimination of advertising requiring lighting after business hours where feasible.
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- O.(3) Incorporation of the energy conservation measures referenced on pages 265 and 266 of the ADA* shall be required. A progress report on the energy conservation measures shall be included as a part of each Annual Report.

General Conditions

- P.(1) Should the Project* significantly depart from the parameters set forth in this Development Order and the ADA*, the Project* will be subject to a Substantial Deviation Review, pursuant to Section 380.06, Florida Statutes. Any change to the Project* which meets the criteria set forth in Subsection 380.06(19), Florida Statutes shall require a hearing to determine if the change constitutes a Substantial Deviation.
- P.(2) The Developer's* commitments set forth in the ADA* shall be honored, except as they may be superseded by specific terms of the Development Order.
- P.(3) Should the Developer* divest itself of all interest in the Project* prior to the expiration of the Development Order, the Developer* shall designate the successor entity to be responsible for preparation of the Annual Report, subject to approval by the County*.
- P.(4) All Development Approvals* shall be obtained prior to September 13, 2019. This Development Order shall expire 5 years after the buildout date to allow for post-development monitoring. Unless otherwise specified in this Development Order, all conditions herein shall be complied with on or before the expiration date of this Development Order.
- P.(5) A cumulative assessment of the affordable housing needs of Phases I and II of the University Lakes DRI and Phase I of University Place has been performed as required by the 380 Review Agreement*. This assessment was accepted by all reviewing agencies and determined no potential unmet need for affordable housing and a potential surplus of 75 affordable units. This analysis utilized the East Central Florida Regional Planning Council's (ECFRPC) "Housing Demand, Supply and Need Methodology for Assessing the Affordable Housing Impact of Developments of Regional Impact", April 1996.
- P.(6) This assessment utilized the 1990 US Census as its source for rental vacancy data. In order to ensure that employees of the Combined Projects* will find adequate housing opportunities reasonably accessible to their places of employment and validate the results of the assessment, it is necessary to compare the 1990 US Census data to the 2000 US Census data.

Should the rental vacancy data from the 2000 US Census be the same as or higher than the rate utilized in the assessment (11%), then no reassessment shall be required. However, if the 2000 US Census rental vacancy rate is at least 2% lower than the vacancy rate utilized in the assessment, the applicant shall be required to conduct a revised assessment. The revised assessment would be submitted for review and approval to the Department of Community Affairs, and Manatee County, and to Sarasota County, Southwest Florida Regional Planning Council and Tampa Bay Regional Planning Council for review and comment no later than December 31, 2002. If the re-assessment identifies an unmet need for affordable housing at any time during Phase II of University Lakes, and the impact is deemed significant, then the Developer* shall develop a

mitigation program in coordination with the DCA, Manatee County, Sarasota County, SWFRPC and TBRPC.

Should the re-assessment be required and it should show a significant unmet demand for affordable housing, the results of the re-assessment shall be incorporated into this Development Order through a Notice of Proposed Change that would be submitted, by the Developer*, to Manatee County no later than March 30, 2003. If such a NOPC is required and an acceptable NOPC is not submitted to Manatee County by March 30, 2003, a Stop Work order will be in effect for any additional non-residential development. Any necessary mitigation measures shall be adopted by a Development Order amendment prior to issuance of preliminary/final site plans for any remaining Phase II development.

- P.(7) Specific approval of Phases III and IV of University Lakes and Phases II, III and IV of Lakewood Ranch Corporate Park is conditioned on further Section 380.06(6), Florida Statutes, (submittal of a substantial deviation application for development approval) review on affordable housing, as well as the other specific issues listed elsewhere in this Development Order. The Developer* shall conduct an affordable housing study based on a methodology agreed to pursuant to said review. If the study indicates that the additional development for which the Developer* is requesting approval will create the need for affordable housing that is not being provided within the Project* or within an area proximate (as determined by the approved methodology) to the Combined Projects*, the Development Order shall be amended to include appropriate mitigation. The affordable housing needs of the Combined Projects* shall be mitigated using those measures that are in effect at the time specific approval of a later phase is requested.
 - P.(8) Payments made by the Applicant under the provisions of law may be credited against any contributions which may be required under the provisions of the HAIP or subsequent housing analyses, if requested by the Developer* and approved by the County*.
 - P.(9) Pursuant to Rule 9J-2.048(8)(c)1, FAC, when a residential unit is constructed on-site and is within the affordable cost range as determined by that current year's annual median income as provided by the Department of Housing and Urban Development and calculated pursuant to the ECFRPC's April 1996 methodology, the Developer* shall receive credit for one and one-half (1.5) affordable housing units toward the affordable housing study.
 - P.(10) A Preliminary Site Plan for each phase shall be required.
 - P.(11) The Developer* shall make appropriate efforts to coordinate with, and inform the appropriate public authorities of, the feasibility of the proposed school site for hurricane shelter, building closings, security, safety precautions, and evacuation plans.
 - P.(12) Except for any existing use or for construction offices and similar temporary uses, or any use on the school site or park site, or other use by a public agency, any proposal to utilize mobile homes on the site shall require a Substantial Deviation Determination, pursuant to the procedures in 380.06(19)(a), Florida Statutes.
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- P.(13) The Developer*, its successors, assigns, or transferees, shall submit Annual DRI Reports in accordance with SubSection 380.06(18), Florida Statutes to the County*, TBRPC, the State Land Planning Agency, and other agencies, as may be appropriate, on the anniversary of the execution date of this Development Order and each year thereafter until such time as all terms and conditions of this Development Order are satisfied. Six (6) copies of this report shall be submitted to the Director of the Manatee County Planning Department or the Director's designee, who shall review the report for compliance with the terms and conditions of this Development Order and who may submit an appropriate report to the County Commission should the Planning Director decide further orders and conditions are necessary. The Developer* shall be notified of any Board of County Commissioners' hearing wherein such report is to be considered or reviewed; provided, however, that receipt and review of any such report by the Board of County Commissioners shall not be considered as a substitute, modification, or change of any conditions, or any terms or conditions of this Development Order. The Annual Report shall contain the following:
- a. Any changes in the plan of development, or in the representations contained in the ADA*, or in the phasing or land uses for the reporting year and for the next year;
 - b. A summary comparison of development activity proposed and actually conducted for the year;
 - c. Undeveloped tracts of land, other than individual single-family lots, that have been sold to a separate entity or Developer*;
 - d. Identification and intended use of lands purchased, leased, or optioned by the Developer* adjacent to the original DRI site since the Development Order was issued;
 - e. An assessment of the Developer's* and the local government's compliance with the conditions of approval contained in the DRI Development Order and the commitments that are contained in the Application for Development Approval* and which have been identified by the County*, TBRPC, or DCA, as being significant;
 - f. Any known incremental DRI Applications for Development Approval* or requests for a Substantial Deviation Determination that were filed in the reporting year and to be filed during the next year;
 - g. An indication of a change, if any, in local government jurisdiction for any portion of the Project* since the Development Order was issued;
 - h. A list of significant local, state, and federal permits which have been obtained or which are pending by agency, type of permit, permit number, and purpose of each;
 - i. A copy of any recorded notice of the adoption of a Development Order for the subsequent modification of an adopted Development Order that was recorded by the Developer* pursuant to Subsection 380.06(15)(f), Florida Statutes;
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- j. A statement that all persons have been sent copies of the Annual Report in conformance with Subsection 380.06(15) and (18), Florida Statutes;
 - k. Information on the actual prices and rents of housing units constructed relative to the then-current Department of Housing and Urban Development (HUD) affordable housing guidelines;
 - l. Reports or information pursuant to conditions A.(7) and A.(8).
- P.(14) All proposed modifications to University Lakes will be reviewed based on the Combined Projects* to determine whether the proposed modification will exceed any of the criteria set forth in Subsection 380.06(19), Florida Statutes.

In the event the University Place Development Order is amended by Sarasota County to allow development inconsistent with Table 3 or Table 4 of the University Lakes Development Order, then upon expiration of the 45-day appeal period of the amendment or, if the amendment is appealed, upon settlement of the appeal, the Developer* shall apply for an amendment to the University Lakes Development Order, and Manatee County subsequently shall consider an amendment to the University Lakes Development Order to make it consistent with the University Place Development Order. A Notification of Proposed Change, pursuant to Subsection 380.06(19), Florida Statutes, shall not be required for the amendment to the University Lakes Development Order, as described above, to make it consistent with the University Place Development Order, but shall require the requisite public hearings under Chapter 125, Florida Statutes, and the Land Development Code. However, such Development Order amendment adopted by Manatee County must be rendered to the Department, pursuant to Subsection 380.06(19), Florida Statutes. If the amendment to the University Lakes Development Order is consistent with the amendment to the University Place Development Order or any settlement of an appeal of the University Place Development Order amendment, then DCA shall not appeal the amendment.

The substantial deviation criteria set forth herein are not applicable to land use exchanges which are authorized pursuant to Sections 4.B. and 4.C. of the Development Order. Additions to the amount of development in a particular land use category resulting from the use of the exchange mechanism are permitted only in conjunction with the simultaneous reduction from another specifically approved use and do not authorize additional development beyond that which has received specific Development Order Approval.

- P.(15) Unless otherwise expressly stated in this Ordinance or the Development Order of the DRI, the Project* shall comply with all future amendments to the Land Development Code and the Comprehensive Plan.
- P.(16) In the event of a Development Order appeal or other legal challenge of this Development Order by the Department of Community Affairs, the Developer* shall pay all reasonable costs and fees of County* staff and attorneys relating to said appeal or legal challenge at the rate for processing this Development Order under the current Planning fee
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schedule. Payment of all billings by the Developer* related to such fees and costs shall be paid within forty five (45) days of submittal of an invoice.

P.(17) Wherever in this Development Order or the University Lakes DRI Development Order the Developer is required to file a Notice of Proposed Change, the Developer shall send a copy of said Notice to Sarasota County and SWFRPC with said Notice.

Land Conditions

Q.(1) The setbacks and height for land uses shall be as follows:

USES	HEIGHT MAXIMUM ****	LOT WIDTH *	FRONT	SIDE	REAR
Single Family Detached	35 ft.	45 - 79 ft.	20/15 ft.***	6 ft.	15 ft.
Single Family Detached	35 ft.	80 or greater ft.	25/20 ft. ***	8 ft.	15 ft.
Zero Lot Line (SFD)	35 ft.	45 ft.	20/15 ft.***	0 ft./10 ft.**	15 ft.
Single Family Attached	35 ft.	35 ft.	20/15 ft. ***	0/8 ft.+	15 ft.
Single Family Semi- Detached	35 ft.	35 ft.	20/15 ft. ***	0/8 ft.+	15 ft.
Duplex	35 ft.	80 ft.	20/15 ft.***	8 ft.	15 ft.
Multi-Family	4 stories		20 ft.	10 ft.	25 ft.
Commercial	35 ft.		40 ft.	15 ft.	20 ft.
Office/Hotel	10 stories		40 ft.	15 ft.	20 ft.
Industrial	6 stories		30 ft.	15 ft.	20 ft.
School, Park Recreation Center	35 ft.		25 ft.	15 ft.	15 ft.

- * Minimum lot width is 45 ft. measured at setback line.
- ** Applies to one side (when one yard is measured at 0 feet the other yard must be ten feet), or end unit.
- *** Front setback for units with side entry garages.
- **** In instances where structures are proposed adjacent to I-75, for each 1 foot of height over 35 feet, the setback from the I-75 right-of-way shall be increased by 1 foot. Structures which are proposed to be located within 200 feet from the Project* boundary on sites which are adjacent to off-site residential zoning or uses shall be limited to four stories. Structures which are proposed to be located within 400 feet of I-75 cannot exceed six stories.
- + Applies to end unit.

Q.(2) Buildings in said Project* which are adjacent to Interstate 75 or University Parkway shall be finished so that the facades which face said roads are either the front facades or finished in the same materials as the front facades.

- Q.(3) Dumpsters or compactors to be used for the temporary storage of solid waste shall not be located in front of any buildings, and these units shall meet all minimum setback requirements. These units shall be screened from view of any collector or arterial roadway. Specific locational approval for these units is required during Preliminary and Final Site Plan review.
- Q.(4) Access to and from the site shall be in accordance with state and local access regulations and with the number and general location as shown on Attachment #1.
- Q.(5) A pre-design conference between the Developer* and County* staff shall be held prior to submittal of Construction Drawings for the Project* to discuss the points of connection for potable water and wastewater service and the configuration of the potable water and sanitary sewer systems.
- Q.(6) The Developer* shall submit a Master Plan for potable water, wastewater, and fire protection prior to construction plan submittal. The Developer* shall also be responsible for determining if upgrading of off-site potable water and wastewater facilities is necessary prior to construction plan submittal to provide adequate potable water, sanitary sewer or fire protection service to the portion of the development for which such service is being requested. Oversizing of potable water and wastewater facilities may be necessary to provide for future development in or adjacent to the Project* and the Developer* shall participate in such oversizing in accordance with applicable County* ordinances or policies.
- Q.(7) The Developer* will investigate appropriate recycling efforts both during and after construction.
- Q.(8) It is strongly suggested that the Developer* investigate the possibilities associated with the mulching of the trees and brush that will be removed as land clearing operations commence. The mulch could then be retained on site to meet the Developer's* needs for landscaping and cover material during construction.
- Q.(9) The commercially designated sites adjacent to Lakewood Ranch Boulevard and Lorraine Road shall not be developed in excess of .23 floor area ratio or 150,000 square feet, which ever is less.
- Q.(10) Prior to the development of any commercial land uses on Lakewood Ranch Boulevard and Lorraine Road, the Developer* shall dedicate the necessary right-of-way and construct and complete the referenced roadways providing a continuous connection between University Parkway and State Road 70.
- Q.(11) The minimum size for any dwelling unit within the Project* shall be six hundred (600) square feet unless this provision is waived by the Board for purposes of affordable housing, at time of preliminary plan approval.
- Q.(12) No adult entertainment establishments shall be permitted within this Project*.
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- Q.(13) The land uses approved on this site are limited as described on the General Development Plan.
- Q.(14) Individual driveways for individual residences shall not be allowed direct access to the major internal roadway as shown on the General Development Plan and reverse frontage lots shall be required adjacent to said roadways.
- Q.(15) The Developer* shall dedicate or make available for public use at the option of the County*, a minimum of 14.5 acres of the designated parks (as shown on the General Development Plan). These parks must be available in conformance with Level of Service requirements but in no event shall this be postponed later than completion of Phase II.
- Q.(16) The Development* consists of the area and land uses described in Table C and the area and land uses by phase as described in Table D. Phase I of the Development* is approved subject to the conditions found within this Development Order and Phases III, and IV are conceptually approved, however, further Section 380.06, Florida Statutes review will be required for transportation and air quality impacts in Phases III, and IV, and Certificates of Level of Service must be obtained for Phases III and IV for land uses and acreage, but shall be limited to, roadway capacity, mass transit, potable water, sanitary sewer, parks and recreation facilities, drainage, and solid waste, as required by the Manatee County Land Development Code.
- Q.(17) The setback for the secondary front yard of residential corner lots shall be a minimum of fifteen (15) feet.
- Q.(18) Where side yards are adjacent to rear yards of corner lots, the driveway on the adjacent lot (non-corner lot) shall be located on the opposite side of the lot from the corner lot.
- Q.(19) Where residential uses abut Lorraine Road, the Developer* shall provide a twenty (20) foot landscaped buffer immediately adjacent to the right-of-way. This buffer shall consist of a 3' high berm measured from the proposed finish grade of the road right-of-way, with trees and shrubs planted on the berm to create a 6-8' high hedge. The hedge will consist of suitable plant material (.e.g. Wax Myrtle, Viburnum ordora, Ligustrum jap) installed from 15 gallon containers, measuring 5-6' overall height, placed on alternating 5-7' centers.

All landscape buffers will be adequately irrigated by an automatic irrigation system and maintained by SMR Communities, the Community Development District, or the appropriate homeowner association.

In those cases where there is existing vegetation that effectively meet this criteria, no additional planting will be required.

This landscaped buffer shall be installed prior to the issuance of the first Certificate of Occupancy for a residential structure within the adjacent development area.

- Q.(20) Residential resort units may be permitted in any residential tract which permits multi-family or cluster villa units provided:
- a. they are not accessed (except for emergency vehicles) through non-transient residential neighborhoods; and
 - b. they are separated from adjacent non-transient residential uses by a minimum buffer of 50 feet.
 - c. Each residential resort unit shall contain a minimum gross floor area of 600 square feet.
 - d. Setbacks shall be consistent with Condition Q.(1), depending on the specific unit type proposed.
- Q.(21) Subject to Planning Director approval, the number of replacement trees may be computed on the basis of the tree canopy of mature replacement trees compared to the canopy of the trees being replaced or other acceptable alternative.
- Q.(22) Since the Town Center is proposed to be a mixed use neighborhood, perimeter greenbelt buffering, landscaping, and open space may upon approval by the Planning Director, be established around and for the Town Center as a whole, rather than around individual land uses.
- Q.(23) A hospital use may not be located within the same parcel, as shown on the General Development Plan, as any industrial use. In addition, the hospital use shall maintain a 200 foot separation from any industrial use located within an adjacent parcel.
- Q.(24) The minimum lot width for single-family attached, and single-family semi-detached development shall be 35 feet, with corner lots being 45 feet. The minimum lot width for zero lot line development shall be 45 feet. This revision shall be shown on future site plans.
- Q.(25) The minimum lot size for single-family attached, and single-family semi-detached development shall be 3,500 sq. ft., with 4,500 sq. ft. for corner lots. The minimum lot size for zero lot line development shall be 4,500 sq.ft. These revisions shall be shown on future site plans.
- Q.(26) A Public Use Facility meeting the needs of Condition M.(2) may be located in areas where that use is permitted. The square footage necessary for this building may be added to the total project square footage, and not counted against approved square footage for other uses.
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TABLE C UNIVERSITY LAKES DEVELOPMENT COMPONENTS				
Column A Map H Land Use (Section 380.0651 F.S. Designation)	Column B Number Acres *****	Column C Square Feet	Column D Dwelling Units	Column E Land Use Exchange Maximum Increase
Residential (Residential)	703.2	n/a	3,136	An increase in dwelling units by 5% or 50 units, whichever is greater
General Commercial* (Retail)	88.6 (56.6)	1,000,000 (820,000)	n/a	Land Area increased by 6 acres or increase by 50,000 s.f. of gross floor area, or the greater of a 5% increase in parking spaces or an increase of customer parking by 300 spaces
Hospital	(32.0)	(180,000/ 150beds)	n/a	
Neighborhood Commercial** (Retail)	37.5	381,000	n/a	
General Commercial*** (Retail)	28.0 (21.0)	400,000 (150,000)	n/a n/a	
(Hotel and Motel)	(7.0)	(250,000/ 300 rooms)	n/a n/a	75 rooms
Business (Office)	110.1 (55.1)	1,902,288 1,094,200	n/a	Land area increased by the greater of 5% or 6 acres, whichever is greater, or gross floor area increased by greater of 5% or 60,000 s.f. whichever is greater
(Industrial)	(55.0)	(808,088)	n/a	

Right of Way	178.4			
Recreation	330.4			
Wetlands/Mitigation	376.9			
Lakes****	358.6			
Open Space	210.0			
TOTAL	2,421.7	3,683,288	3,136	

- * Acreage and square footage are referred to as Regional Commercial in the ADA*.
- ** Acreage and square footage are referred to as Community Commercial in the ADA*.
- *** Acreage and square footage are referred to as Highway Commercial in the ADA*.
- **** Additional lakes will be constructed within the Project* as required by the stormwater management system.
- ***** Acreages subject to verification and adjustment based upon future survey activities, consistent with the graphic depictions on revised Map H.

**TABLE D
UNIVERSITY LAKES PHASING SCHEDULE**

Map H. Land Use Designation (\$380.0651, F.S., Designation)	Phase I 1992-2004♦	Phase II 1999-2009♦	Phase III 2010-2014♦	Phase IV 2015-2019♦	Total
Residential Dwelling Units					
Single Family	970	361	243	151	1,725
Single Family Attached	88	153	123	105	469
Multi-Family	449	287	206	0	942
Total (Residential)	1,507	801	572	256	3,136
General Commercial*s.f. (Retail)	275,557	540,143	4300	0	820,000
Hospital		150 beds/ 180,000			
Neighborhood Commercial**s.f. (Retail)	87,000	135,885	0	158,115	381,000
Business s.f.	323,318	515,608	519,180	544,182	1,902,288
(Office)	(323,318)	(208,608) (515,608)	(161,672)	(93,602)	(1,094,200)
(Industrial)	0	0	(357,508)	(450,580)	(808,088)
General Commercial***s.f. (Retail)	250,000 (0)	150,000 (150,000)	0 (0)	0 (0)	400,000 (150,000)
(Hotel and Motel)	(250,000/ 300 rooms)	(0)	(0)	(0)	(250,000/ 300 Rooms)
Recreational Facilities****	Tennis & Boat Club+, Park				
	Golf Course & Park				

* Acreage and square footage are referred to as Regional Commercial in the ADA*.
 ** Acreage and square footage are referred to as Community Commercial in the ADA*.
 *** Acreage and square footage are referred to as Highway Commercial in the ADA*.
 **** Phasing of recreational facilities may be accelerated in accordance with the provisions of Sections 4.B, C. and E.
 + The Boat Club shall be located on the 160± acre manmade lake and shall contain facilities for launching and dockage for wet storage of not more than 20 watercraft and dry storage for not more than 30 watercraft. Small craft not commonly moored, such as sailboards, canoes, paddle boats, and similar non-motorized craft, and assorted storage facilities for such small craft shall not count against this limitation, and such craft may be used on the manmade lake.
 ♦ Build out date is September 13th of each year indicated.

Exchanges in approved land uses may be made within the Project* or each phase in accordance with the approved Development Order for University Lakes DRI (Ordinance 93-25, as amended) if said development order allows exchanges in land uses in phases. Any exchanges in land use must comply with the Comprehensive Plan, including the limitations of each Future Land Use Category. Any such exchange shall require an amendment to the General Development Plan and a public hearing by the County* to determine if the modification is in compliance with the planned development criteria unless the modification is of such type that administrative approval by the Director of Planning is authorized by the Land Development Code. The amended General Development Plan shall describe the proposed exchange, as well as provide a history of all previous exchanges in addition to any other required information. The Developer* must also apply for a modification to the Certificate of Level of Service and will be granted approval, only if and when capacity is available.

Section 4. LEGAL DESCRIPTION.

A TRACT OF LAND SITUATED AND BEING IN SECTIONS 28, 29, 31, 32 AND 33, TOWNSHIP 35 S., RANGE 19 E. AND SECTION 36, TOWNSHIP 35 S., RANGE 18 E., MANATEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SECTION CORNER COMMON TO SECTIONS 29, 30, 31 AND 32, TOWNSHIP 35 S., RANGE 19 E., FOR A POINT OF BEGINNING; THENCE N 00°22'41" E, ALONG THE WEST LINE OF SAID SECTION 29, A DISTANCE OF 2656.57 FT. TO THE NORTHWEST CORNER OF THE SOUTHWEST ¼ OF SAID SECTION 29; THENCE S 89°30'30" E, ALONG THE NORTH LINE OF SAID SOUTHWEST ¼, A DISTANCE OF 1337.72 FT. TO THE NORTHEAST CORNER OF THE WEST ½ OF SAID SOUTHWEST ¼; THENCE S 00°27'02" W, ALONG THE EAST LINE OF SAID WEST ½ OF THE SOUTHWEST ¼, A DISTANCE OF 2656.59 FT. TO THE SOUTHEAST CORNER OF SAID WEST ½ OF THE SOUTHWEST ¼; THENCE S 89°30'25" E, ALONG THE SOUTH LINE OF SAID SECTION 29 (ALSO BEING THE NORTH LINE OF SECTION 32, TOWNSHIP 35 S., RANGE 19 E.), A DISTANCE OF 4003.06 FT. TO THE SECTION CORNER COMMON TO SECTION 28, 29, 32 AND 33, TOWNSHIP 35 S., RANGE 19 E.; THENCE N 00°40'07" E, ALONG THE WEST LINE OF SAID SECTION 28, A DISTANCE OF 2236.01 FT.; THENCE S 89°31'24" E, PARALLEL WITH THE NORTH LINE OF SAID SECTION 28 AND 3077.34 FT. SOUTHERLY THEREFROM, A DISTANCE OF 2665.72 FT. TO THE INTERSECTION WITH THE EAST LINE OF THE WEST ½ OF SAID SECTION 28; THENCE S 00°45'47" W, ALONG THE EAST LINE OF SAID WEST ½, A DISTANCE OF 2236.80 FT. TO THE INTERSECTION WITH THE SOUTH LINE OF SAID SECTION 28; THENCE S 89°30'25" E, ALONG THE SOUTH LINE OF SAID SECTION 28 (ALSO BEING THE NORTH LINE OF SECTION 33, TOWNSHIP 35 S., RANGE 19 E.), A DISTANCE OF 2662.03 FT. TO THE NORTHEAST CORNER OF SAID SECTION 33; THENCE S 01°24'24" W, ALONG THE EAST LINE OF SAID SECTION 33, A DISTANCE OF 6019.29 FT. TO THE SOUTHEAST CORNER OF SAID SECTION 33; THENCE N 89°58'32" W, ALONG THE SOUTH LINE OF SAID SECTION 33 (ALSO BEING THE COMMON LINE BETWEEN MANATEE AND SARASOTA COUNTIES), A DISTANCE OF 5320.24 FT. TO THE SOUTHWEST CORNER OF SAID SECTION 33 (SAME BEING THE SOUTHEAST CORNER OF SECTION 32, TOWNSHIP 35 S., RANGE 19 E.); THENCE N 89°58'32" W, ALONG THE SOUTH LINE OF SAID SECTION 32, AND THE COUNTY LINE, A DISTANCE OF 5320.24 FT. TO THE SOUTHWEST CORNER OF SAID SECTION 32 (SAME BEING THE SOUTHEAST CORNER OF SECTION 31, TOWNSHIP 35 S., RANGE 19 E.); THENCE N 89°58'32" W, ALONG THE SOUTH LINE OF SAID SECTION 31 AND THE COUNTY LINE, A DISTANCE OF 4602.00 FT. TO THE SOUTHWEST CORNER OF SAID SECTION 31; THENCE N 00°37'10" E, ALONG THE WEST LINE OF SAID SECTION 31, ALSO BEING THE EASTERLY LIMITED ACCESS RIGHT-OF-WAY OF STATE ROAD NO. 93 (INTERSTATE 75), A DISTANCE OF 615.95 FT. TO A POINT ON THE ARC OF A CURVE WHOSE RADIUS POINT LIES S 67°41'09" E, 216.00 FT.; THENCE RUN NORTHEASTERLY, ALONG SAID LIMITED ACCESS RIGHT-OF-

WAY, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 65°57'32", A DISTANCE OF 248.66 FT. TO THE P.T. OF SAID CURVE; THENCE N 88°16'24" E, ALONG THE LIMITED ACCESS RIGHT-OF-WAY OF STATE ROAD NO. 93 (I-75) – "UNIVERSITY PARKWAY" INTERCHANGE, A DISTANCE OF 628.74 FT.; THENCE S 89°27'41" E, ALONG SAID LIMITED ACCESS INTERCHANGE RIGHT-OF-WAY, A DISTANCE OF 298.75 FT. TO THE EASTERLY END OF SAID LIMITED ACCESS INTERCHANGE RIGHT-OF-WAY; THENCE CONTINUE S 89°25'29" E, ALONG THE SOUTHERLY RIGHT-OF-WAY OF "UNIVERSITY PARKWAY", A DISTANCE OF 133.18 FT.; THENCE N 00°34'14" E, ALONG THE EASTERLY END OF SAID "UNIVERSITY PARKWAY" RIGHT-OF-WAY, A DISTANCE OF 336.00 FT.; THENCE N 89°26'21" W, ALONG THE NORTH LINE OF A 60 FT. WIDE F.D.O.T. SERVICE ROAD RIGHT-OF-WAY, WHICH LIES PARALLEL AND CONTIGUOUS WITH THE NORTHERLY SIDE OF "UNIVERSITY PARKWAY", A DISTANCE OF 606.88 FT.; THENCE N 85°37'30" W, ALONG SAID SERVICE ROAD RIGHT-OF-WAY, A DISTANCE OF 460.53 FT. TO THE P.C. OF A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 396.00 FT.; THENCE RUN NORTHWESTERLY, ALONG SAID SERVICE ROAD RIGHT-OF-WAY, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 27°45'40", A DISTANCE OF 191.87 FT. TO THE INTERSECTION WITH THE WEST LINE OF SAID SECTION 31, TOWNSHIP 35 S., RANGE 19 E., SAME BEING THE EAST LINE OF SECTION 36, TOWNSHIP 35 S., RANGE 18 E., (THE RANGE LINE); THENCE S 01°15'38" W, ALONG THE COMMON LINE BETWEEN SAID SECTION 31 AND 36 (THE RANGE LINE), SAME BEING THE WESTERLY END OF SAID F.D.O.T. SERVICE ROAD RIGHT-OF-WAY, A DISTANCE OF 68.34 FT. TO THE INTERSECTION WITH THE EASTERLY LIMITED ACCESS RIGHT-OF-WAY OF SAID STATE ROAD NO. 93 (I-75), SAID POINT BEING ON THE ARC OF A CURVE WHOSE RADIUS POINT LIES N 27°43'29" E, 456.00 FT.; THENCE RUN NORTHWESTERLY, ALONG SAID EASTERLY LIMITED ACCESS RIGHT-OF-WAY, AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 34°29'56", A DISTANCE OF 274.57 FT. TO THE P.T. OF SAID CURVE; THENCE N 27°46'35" W, ALONG SAID EASTERLY LIMITED ACCESS RIGHT-OF-WAY, A DISTANCE OF 566.48 FT. TO THE P.C. OF A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 4489.66 FT.; THENCE RUN NORTHWESTERLY, ALONG SAID EASTERLY LIMITED ACCESS RIGHT-OF-WAY AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 12°57'00", A DISTANCE OF 1014.75 FT. TO THE P.T. OF SAID CURVE; THENCE N 14°49'36" W, ALONG SAID EASTERLY LIMITED ACCESS RIGHT-OF-WAY, A DISTANCE OF 899.55 FT.; THENCE N 13°40'49" W, ALONG SAID EASTERLY LIMITED ACCESS RIGHT-OF-WAY, A DISTANCE OF 1016.32 FT.; THENCE S 88°46'12" E, A DISTANCE OF 1369.85 FT. TO THE INTERSECTION WITH THE EAST LINE OF SAID SECTION 36, TOWNSHIP 35 S., RANGE 18 E., SAME BEING THE WEST LINE OF SAID SECTION 31, TOWNSHIP 35 S., RANGE 19 E. (THE RANGE LINE); THENCE S 89°40'28" E, A DISTANCE OF 1438.64 FT.; THENCE N 01°15'38" E, A DISTANCE OF 1532.73 FT. TO THE INTERSECTION WITH THE NORTH LINE OF SAID SECTION 31, TOWNSHIP 35 S., RANGE 19 E. (SAID POINT LYING S 89°40'28" E, ALONG SAID NORTH LINE, A DISTANCE OF 1438.64 FT. FROM THE NORTHWEST CORNER OF SAID SECTION 31); THENCE S 89°40'28" E, ALONG THE NORTH LINE OF SAID SECTION 31, A DISTANCE OF 3165.00 FT. TO THE POINT OF BEGINNING, BEING AND LYING IN SECTIONS 28, 29, 31, 32 AND 33, TOWNSHIP 35 S., RANGE 19 E. AND SECTION 36, TOWNSHIP 35 S., RANGE 18 E., MANATEE COUNTY, FLORIDA.

ALSO:

A TRACT OF LAND SITUATED AND BEING IN SECTION 34, TOWNSHIP 35 S., RANGE 19 E., MANATEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF SAID SECTION 34; THENCE N 01°24'24" E, ALONG THE WESTERLY LINE OF SAID SECTION 34, A DISTANCE OF 6019.33 FT. TO THE NORTHWEST CORNER OF SAID SECTION 34; THENCE N 89°57'56" E, ALONG THE NORTHERLY LINE OF SAID SECTION 34, A DISTANCE OF 120.02 FT.; THENCE S 00°51'27" W, A DISTANCE OF 1.87 FT. TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING A RADIUS OF 2190.00 FT. AND A CENTRAL ANGLE

OF 13°14'44"; THENCE ALONG THE ARC IN A SOUTHERLY DIRECTION, AN ARC DISTANCE OF 506.28 FT. TO THE POINT OF TANGENCY OF SAID CURVE; THENCE S 12°23'18" E., A DISTANCE OF 982.01 FT. TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 3060.00 FT. AND A CENTRAL ANGLE OF 10°28'18"; THENCE ALONG THE ARC IN A SOUTHERLY DIRECTION, A DISTANCE OF 559.26 FT. TO THE POINT OF TANGENCY OF SAID CURVE; THENCE S 01°55'00" E., A DISTANCE OF 2240.90 FT. TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 10560.00 FT. AND A CENTRAL ANGLE OF 01°56'28"; THENCE ALONG THE ARC IN A SOUTHERLY DIRECTION, A DISTANCE OF 357.76 FT. TO THE POINT OF TANGENCY OF SAID CURVE; THENCE S 00°01'28" W, A DISTANCE OF 1402.77 FT. TO THE SOUTHERLY LINE OF SAID SECTION 34; THENCE N 89°58'32" W, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 678.98 FT. TO THE POINT OF BEGINNING.

TOGETHER WITH AND INCLUDING THE FOLLOWING TWO PARCELS OF LAND:

COMMENCE AT THE SECTION CORNER COMMON TO SECTION 29, 30, 31 AND 32, TOWNSHIP 35 S., RANGE 19 E.; THENCE N 00°22'41" E, ALONG THE WEST LINE OF SECTION 29, A DISTANCE OF 2656.57 FT. TO THE NORTHWEST CORNER OF THE SW ¼ OF SECTION 29; THENCE S 89°30'30" E, ALONG THE NORTH LINE OF SAID SW ¼, A DISTANCE OF 211.38 FT. TO THE POINT OF BEGINNING; THENCE N 26°03'03" E, A DISTANCE OF 41.15 FT.; THENCE S 61°21'58" E, A DISTANCE OF 78.71 FT. TO THE INTERSECTION WITH THE NORTH LINE OF SAID SW ¼ AT A POINT HEREINAFTER CALLED POINT "A"; THENCE N 89°30'30" W, ALONG THE NORTH LINE OF SAID SW ¼, A DISTANCE OF 87.16 FT. TO THE POINT OF BEGINNING.

AND

COMMENCE AT THE ABOVE DESCRIBED POINT "A"; THENCE S 89°30'30" E, ALONG THE NORTH LINE OF SAID SW ¼, A DISTANCE OF 129.28 FT. TO THE POINT OF BEGINNING, AT A POINT ON THE ARC OF A CURVE WHOSE RADIUS POINT BEARS S 49°26'14" E, A DISTANCE OF 295.00 FT.; THENCE RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 3°12'50", A DISTANCE OF 16.55 FT.; THENCE S 46°13'24" E, A DISTANCE OF 18.02 FT. TO THE INTERSECTION WITH THE NORTH LINE OF SAID SW ¼; THENCE N 89°30'30" W, ALONG THE NORTH LINE OF THE SW ¼, A DISTANCE OF 24.12 FT. TO THE POINT OF BEGINNING.

LESS AND EXCEPT THE FOLLOWING TWO PARCELS OF LAND:

COMMENCE AT THE SECTION CORNER COMMON TO SECTIONS 29, 30, 31 AND 32, TOWNSHIP 35 S., RANGE 19 E.; THENCE N 00°22'41" E, ALONG THE WEST LINE OF SECTION 29, A DISTANCE OF 2656.57 FT. TO THE NORTHWEST CORNER OF THE SW ¼ OF SECTION 29, ALSO BEING THE SOUTHWEST CORNER OF THE NW ¼ OF SECTION 29; THENCE S 89°30'30" E, ALONG THE SOUTH LINE OF SAID NW ¼, A DISTANCE OF 298.54 FT. TO THE POINT OF BEGINNING; THENCE CONTINUE S 89°30'30" E, ALONG THE SOUTH LINE OF SAID NW ¼, A DISTANCE OF 129.28 FT. TO A POINT HEREINAFTER CALLED POINT "B" ALSO BEING A POINT ON THE ARC OF A CURVE WHOSE RADIUS POINT BEARS S 49°26'14" E, A DISTANCE OF 295.00 FT.; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 11°55'45", A DISTANCE OF 61.42 FT.; THENCE N 61°21'58" W, A DISTANCE OF 107.63 FT. TO THE POINT OF BEGINNING.

AND

COMMENCE AT THE ABOVE DESCRIBED POINT "B"; THENCE S 89°30'30" E, ALONG THE SOUTH LINE OF SAID NW ¼, A DISTANCE OF 24.12 FT. TO THE POINT OF BEGINNING; THENCE CONTINUE S 89°30'30" E, ALONG THE SOUTH LINE OF SAID NW ¼, A DISTANCE OF 767.44 FT.; THENCE S

00°29'12" W, A DISTANCE OF 46.03 FT.; THENCE N 89°30'48" W, A DISTANCE OF 469.78 FT.; THENCE N 61°13'53" W, A DISTANCE OF 51.46 FT.; THENCE S 85°03'09" W, A DISTANCE OF 131.05 FT.; THENCE S 33°11'55" W, A DISTANCE OF 59.75 FT.; THENCE N 46°13'24" W, A DISTANCE OF 123.10 FT. TO THE POINT OF BEGINNING.

ALL OF THE ABOVE BEING AND LYING IN SECTIONS 28, 29, 31 32, 33 AND 34, TOWNSHIP 35 S., RANGE 19 E., AND SECTION 36, TOWNSHIP 35 S., RANGE 18 E., MANATEE COUNTY, FLORIDA. CONTAINING A NET OF 2421.74 ACRES MORE OR LESS.

Section 45. EFFECTIVE DATE. This ordinance shall take effect immediately upon filing with the Office of the Secretary of State, Florida Department of State.

PASSED AND DULY ADOPTED, by the Board of County Commissioners of Manatee County, Florida on the 23rd day of October, 2001.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY: *Joe Milase*
Chairman

ATTEST: R. B. SHORE
Clerk of the Circuit Court

[Signature]



ATTACHMENTS #1, & #2

ARE NOT ATTACHED BUT ARE ON FILE AT THE CLERK'S OFFICE
AS ATTACHMENTS TO THE PREVIOUSLY APPROVED PDMU-92-01(Z)(G)(R1)

1. Local Access Regulations
2. 380 Review Agreement [attachment 3 of PDMU-92-01(Z)(G)(R1)]
3. Revised General Development Plan
4. Proposed Changes Map
5. DRC Comments



STATE OF FLORIDA, COUNTY OF MANATEE
This is to certify that the foregoing is a true and
correct copy of the documents on file in my office.

Witness my hand and official seal this 25th day of

October 2001

R.B. SHORE
Clerk of Circuit Court

By: Kent Ludwig

DIVISIONS OF FLORIDA DEPARTMENT OF STATE
Office of the Secretary
Division of Administrative Services
Division of Corporations
Division of Cultural Affairs
Division of Elections
Division of Historical Resources
Division of Library and Information Services
Division of Licensing
MEMBER OF THE FLORIDA CABINET



HISTORIC PRESERVATION BOARDS
Historic Florida Keys Preservation Board
Historic Palm Beach County Preservation Board
Historic Pensacola Preservation Board
Historic St. Augustine Preservation Board
Historic Tallahassee Preservation Board
Historic Tampa/Hillsborough County
Preservation Board
RINGLING MUSEUM OF ART

FLORIDA DEPARTMENT OF STATE
Katherine Harris
Secretary of State
DIVISION OF ELECTIONS

October 30, 2001

Honorable R. B. Shore
Clerk of the Circuit Court and Comptroller
Manatee County
Post Office Box 1000
Bradenton, Florida 34206

Attention: Diane E. Vollmer

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letters dated October 25, 2001 and certified copies of Manatee County Ordinance Nos. PDMU-92-01(Z)(G)(R7) and PDR-01-06(Z)(P), which was filed in this office on October 29, 2001.

As requested, the original date stamped copies are being returned for your records.

Sincerely,

Liz Cloud, Chief
Bureau of Administrative Code

LC/mp

Enclosure

FILED FOR RECORD
RECEIVED
NOV 1 10 35 AM '01